

**FILED**

**APR 13 2010**

**SECRETARY, BOARD OF  
OIL, GAS & MINING**

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**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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UTAH CHAPTER OF THE SIERRA CLUB,  
et al.,

Petitioners,

Docket No. 2009-019  
Cause No. C/025/0005

DIVISION OF OIL, GAS AND MINING,

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and  
KANE COUNTY, UTAH,

Intervenors-Respondents.

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**PETITIONERS' OBJECTION TO REQUEST FOR DOCUMENT PRODUCTION  
MADE IN THE JOINT NOTICES OF DEPOSITION OF ELLIOTT W. LIPS  
AND CHARLES H. NORRIS**

Utah Chapter of the Sierra Club ("Sierra Club"), Southern Utah Wilderness Alliance  
("SUWA"), Natural Resources Defense Council ("NRDC"), and National Park Conservation

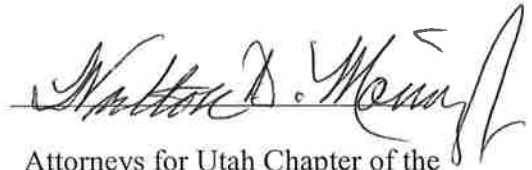
Association (“NPCA”)(collectively, “Petitioners”) notify the Division of Oil, Gas and Mining (“the Division”) and Alton Coal Development, LLC (“ACD”) that Petitioners object to the request for document production included in each joint notice of deposition of Petitioners’ expert witnesses. Neither the Division nor ACD has obtained leave of the Board to make such requests, and the Board-approved discovery stipulation that the parties have entered into does not authorize or otherwise contemplate such requests. As separate matter, many of the specific requests are obtainable from some other source that is more convenient, less burdensome, or less expensive or are unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties’ resources. With respect to the witnesses’ publications, Petitioners further object on the grounds and to the extent that the document production requests exceed the “preceding last ten years” limit established by Rule 26(a)(3)(B) of the Utah Rules of Civil Procedure. With respect to the witnesses’ prior depositions and testimony, Petitioners further object on the grounds and to the extent that the document production requests exceed the “preceding four years” limit established by Rule 26(a)(3)(B) of the Utah Rules of Civil Procedure. Finally, Petitioners object to the document production requests on the ground that the Division and ACD have failed to provide sufficient time or financial compensation to enable Petitioners’ witnesses to gather all of the requested documents.

Without waiving any of the foregoing objections, in an effort to provide as many of the requested documents as is reasonable, Petitioners have requested that their expert witnesses comply with requests insofar as they reasonably can do so. In response to this request, Petitioners understand that their witnesses will make available most of the documents that the Division and ACD have requested.

**Dated: March 22, 2010**

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Walton Morris", written over a horizontal line.

Attorneys for Utah Chapter of the  
Sierra Club, *et al.*.

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## CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of March, 2010, I served a true and correct copy of **PETITIONERS' OBJECTION TO REQUEST FOR DOCUMENT PRODUCTION MADE IN THE JOINT NOTICES OF DEPOSITION OF ELLIOTT W. LIPS AND CHARLES H. NORRIS** to each of the following persons via hand-delivery or United States first-class mail, postage pre-paid:

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